

REMARKS

I. Introduction

With the cancellation of claims 14, 17, and 21 and the addition of claims 29 to 37, claims 15, 16, 18 to 20, and 22 to 37 are currently pending in the present application, since claims 1 to 13 were previously canceled. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration of the present application is respectfully requested.

Applicants thank the Examiner for the acknowledgement of the claim for foreign priority and the indication that all of the certified copies of the priority documents have been received.

Applicants thank the Examiner for considering the previously filed Information Disclosure Statement and PTO-1449 paper. As regards the listed references, which were placed in the file but were not considered, enclosed herewith is a Supplemental Information Disclosure Statement re-listing those references and including copies of the cited references.

II. Objection to the Drawings

The Office Action objects to the drawings as assertedly omitting an illustration of an arrester. Applicants respectfully traverse this assertion. The Specification describes the arrester as an element which inhibits the movement or release of a component. The Specification also describes a number of examples of an arrester, which examples are illustrated in the figures. For example, the Specification describes an arrester in the form of retaining bolts 9 shown in figure 3, in the form of a pressure seal 10 shown in figure 4, and in the form of retaining bolts 15 shown in figure 5. Accordingly, no amendment to the drawings is required.

Withdrawal of the objection to the drawings is therefore respectfully requested.

III. Objection to the Specification

The Office Action objects to the specification as assertedly lacking a description of the arrester. Applicants traverse this assertion. The arrester is amply described throughout the Specification. The plain meaning of “arrest” is to stop, prevent, or hold back, and an arrester, according to its plain meaning, is a component whose function is to stop, prevent, or hold back. The Specification indicates that the term “arrester,” as used in the present application, is to be understood according to this plain meaning.

In this regard, for example, the Specification, at page 3, lines 28 to 33, states “it is advantageous if the **arrester** is in the form of one or more retaining bolts or a valve which **can be released or destroyed** by the propelling charge or explosive charge, **the arresting function thereby being neutralized and the energy-storing apparatus being able to release its stored energy** for the decelerative action.” The quoted section clearly refers to an arrester as a component which arrests the release of stored energy, so that upon the arrester’s destruction, the energy is released.

Moreover, the Specification describes a number of examples of an arrester. For example, the Specification describes an arrester in the form of a bolt or valve. *See id.* More specifically, the specification describes an embodiment in which the arrester is a retaining bolt 9, which prevents a piston from shifting, such that the shifting occurs only once the arrester – retaining bolt 9 – is destroyed or released. *See* Specification, page 9.

Similarly, the Specification describes a seal 10 which serves to arrest the release of pressure in a reservoir 6, such that the release of the pressure occurs only once the arrester – seal 10 – is opened under force of a propelling/explosive charge. *See* Specification, page 10.

Similarly, the Specification describes a retaining bolt 15 which serves to arrest brake pistons 13 from being pushed in the direction of the brake disk, such that the pistons 13 are pushed only once the arrester – retaining bolt 15 – is destroyed or released. *See* Specification pages 10-11.

Accordingly, no amendment to the Specification is required.

Withdrawal of the objection to the Specification is therefore respectfully requested.

IV. Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 18 and 19 include allowable subject matter. In this regard, the Examiner will note that each of claims 18 and 19 has been rewritten herein in independent form to include the subject matter of its respective base claim. The Examiner will further note that each of claims 15, 16, 20, 22, 24, and 26 has been amended herein without prejudice, so that claims 15, 16, 20, 22, and 24 to 26 ultimately depend from claim 19. Accordingly, all of claims 15, 16, 18 to 20, 22, and 24 to 26 are in condition for immediate allowance.

V. Claim 23

The Examiner did not explicitly state that claim 23 includes allowable subject matter, but this appears to be an oversight since the Examiner has not rejected claim 23 on any basis. Thus, the Office Action implies that claim 23 includes allowable subject matter. In this regard, the Examiner will note that claim 23 has been rewritten herein in independent form to include the subject matter of its base claim. Accordingly, claim 23 is in condition for immediate allowance.

VI. Rejections of Claims 14 to 17, 20 to 22, and 24 to 26

Claims 14, 17, and 21 have been canceled, and each of claims 15, 16, 20, 22, 24, and 26 has been amended herein without prejudice, so that claims 15, 16, 20, 22, and 24 to 26 ultimately depend from claim 19, thereby rendering moot the rejections of claims 14 to 22 and 24 to 26.

VII. Rejection of Claims 27 and 28 Under 35 U.S.C. § 102(e)

Claims 27 and 28 were rejected under 35 U.S.C. § 102(e) as assertedly anticipated by U.S. Patent No. 7,114,873 (“Rastegar”). Rastegar does not anticipate the present claims, and the rejection should be withdrawn for the following reasons.

The Office Action refers to the reference to a car bomb at column 5, line 30 of Rastegar as assertedly disclosing a propelling and/or explosive charge, an explosion of which acts on a wheel bearing, decelerative action being obtained by destruction of the wheel bearing. However, Rastegar provides absolutely no details regarding any such car bomb, so that it is impossible to determine that the referenced car bomb is capable of functioning as the propelling and/or explosive charge of claim 27. For example, it is impossible to determine whether the mentioned car bomb would affect the car itself, or only explode outwards.

Further, even if it was to affect the car itself, it is impossible to determine whether the explosion would be so direct that it would discriminately affect the wheel bearing, and not completely pulverize the car altogether to an extent that the destruction of the wheel bearing is not the way in which the deceleration is obtained, the deceleration instead being obtained by the fact there is no longer a car in existence to have any velocity. Indeed, Rastegar is unrelated to the car bomb, but instead relates to a barrier that may stop the car bomb and therefore does not provide any detail that discloses any of the features of claim 27. Thus, Rastegar does not disclose, or even suggest, anything which functions as the propelling and/or explosive charge as recited in claim 27.

Accordingly, Rastegar does not disclose, or even suggest, all of the features recited in claim 27, so that Rastegar does not anticipate claim 27 or its dependent claims, e.g., claim 28.

Notwithstanding the above, with respect to the relied upon feature of Rastegar, **Rastegar does not constitute prior art against the present application.** In this regard, the feature of a car bomb is not at all disclosed in U.S. Provisional Patent Application Serial No. 60/488,126 (“the Provisional”) to which Rastegar claims priority. Thus, with respect to the feature of a car bomb, Rastegar is not entitled to the July 17, 2003 filing date of the Provisional.

Instead, with respect to the relied upon feature of Rastegar, the earliest filing date to which Rastegar is entitled is March 10, 2004, which is after the July 23, 2003 priority date of the present application. In this regard, the present application claims priority to German Patent Application No. 10 333 462.9. A claim of priority to German Patent Application No. 10 333 462.9 was made, *inter alia*, in the “Declaration and Power of Attorney” submitted on January 19, 2006, and the Office has acknowledged receipt of all certified copies of the priority document. A certified English-language translation of German Patent Application No. 10 333 462.9 is submitted herewith. In view of the foregoing, it is respectfully submitted that Rastegar (at least with respect to the relied upon portions) does not constitute prior art against the present application.

For all of the foregoing reasons, claims 27 and 28 are allowable.

VIII. New Claims 29 to 37

New claims 29 to 37 have been added herein. Claims 29 to 37 do not add any new matter and are supported by the application, including specification, as originally filed.

Claims 29 and 30 ultimately depend from claim 27 and are therefore allowable for at least the same reasons as claim 27.

Claims 31 and 32 depend from claim 19 and are therefore allowable for at least the same reasons as claim 19.

Claims 33 to 37 ultimately depend from claim 18 and are therefore allowable for at least the same reasons as claim 18.

IX. Conclusion

Applicants reserve the right to pursue the subject matter of the claims as previously presented in a continuation patent application. Further, any disclaimer that may have occurred during the prosecution of this application is expressly rescinded as regards any subsequently filed patent application.

In view of the foregoing, it is respectfully submitted that all of pending claims 15, 16, 18 to 20, and 22 to 37 are allowable. It is therefore respectfully requested that the rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

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